

NOTICE & AGENDA

Notice is hereby given the Town Council of Elk Ridge will hold a regular Town Council Meeting on Tuesday, July 12, 1994, beginning with a Closed Session at 7:00 P.M., the Council Work Session at 7:30 P.M., followed by the regular Council Meeting at 8:00 P.M. The meeting will be held at the Elk Ridge Town Hall, 80 E. Park Drive, Elk Ridge, Utah.

COUNCIL CLOSED SESSION

7:00 P.M.            Litigation

7:30 P.M. -                    COUNCIL WORK SESSION:


Fire Chief Replacement/Discussion  
Roads Update-Lea Ann Adams  
Discussion/Building Permits-Jim Nicolet  
Utah Statehood Centennial Commission-Scot Sessions

8:00 P.M. -            REGULAR COUNCIL MEETING AGENDA ITEMS:

8:00            Invocation & Pledge of Allegiance  
8:05            Approval of Agenda Time Frame  
8:10            Lot #18, Plat C/Reconsideration  
8:20            4th of July/Financial Report-Scot Sessions  
8:25            Parks/Financial Report  
                 1. Volunteers/Hours & Equivalent Value  
                 2. Machine/Equipment-Hours & Value  
8:35            Utility Lines-Kent Haskell  
8:45            Cellular Phone-Kent Haskell  
8:50            Approval/Disapproval-Allowance of Building Permits  
9:00            New Well  
9:05            Expenditures:  
                 General:  
                 Approval/Prelim. List of Expenditures for June, 1994  
9:15            Approval of Minutes of Previous Meeting  
9:20            Adjournment

The times listed for each item and the agenda may be accelerated if time permits. All interested persons are invited to attend.


Dated this 8th day of July, 1994.

  
Town Clerk

Council Agenda  
7-12-94

CERTIFICATION

I, the undersigned, duly appointed and acting Town Clerk for the municipality of Elk Ridge hereby certifies that a copy of the foregoing Notice and Agenda was hand carried to the Payson Chronicle, 12 S. Main, Payson, Utah and mailed to each member of the governing body on July 8, 1994.

  
Town Clerk

ELK RIDGE TOWN COUNCIL WORK SESSION

JULY 12, 1994

TIME & PLACE  
OF MEETING

The regular meeting of the Elk Ridge Town Council was held on Tuesday, July 12, 1994, with a Closed Session at 7:00 P.M., the Council Work Session at 7:30 PM, followed by the regular Council Meeting at 8:00 P.M., at the Elk Ridge Town Hall, 80 East Park Drive, Elk Ridge, Utah.

Notice of time, place and Agenda of this meeting was provided to the Payson Chronicle and to each member of the governing body by mailing a copy to each on July 9, 1994.

CLOSED SESSION

ROLL CALL

Mayor Jacobson, Councilmembers: Lea Ann Adams, Tony Searle, (Jim Nicolet, Scot Sessions, Absent), Janice Davis, Town Clerk.

AT 7:00 P.M., MAYOR JACOBSON OPENED THE CLOSED SESSION.

DISCUSSION OF LITIGATION

MOTION WAS MADE BY MAYOR JACOBSON SECONDED BY LEA ANN ADAMS, TO CLOSE THE EXECUTIVE (CLOSED) SESSION AND MOVE TO THE WORK SESSION. VOTE: YES-ALL(3), NO-NONE(0), ABSENT-(2), JIM NICOLET, SCOT SESSIONS.

ELK RIDGE TOWN COUNCIL MEETING

JULY 12, 1994

TIME & PLACE OF MEETING      The regular meeting of the Elk Ridge Town Council was held on Tuesday, July 12, 1994, with a Closed Session at 7:00, and the Council Work Session at 7:30 PM, followed by the regular Council Meeting at 8:00 P.M., at the Elk Ridge Town Hall, 80 East Park Drive, Elk Ridge, Utah.

Notice of time, place and Agenda of this meeting was provided to the Payson Chronicle and to each member of the governing body by mailing a copy to each on July 9, 1994.

ROLL CALL      Mayor Jacobson, Councilmembers: Lea Ann Adams, Tony Searle, (Absent, Scot Sessions, Jim Nicolet), Don Mecham, Ernestine Folks, Rayburn Day, Hal Shuler, Kent Haskell, Dale and Jo Ann Bigler, Bill Pierce, Janice H. Davis, Town Clerk.

INVOCATION & PLEDGE OF ALLEGIANCE      Prayer was offered by Don Mecham with the pledge of allegiance following.

APPROVAL OF AGENDA TIME FRAME      MOTION WAS MADE BY MAYOR JACOBSON SECONDED BY TONY SEARLE, TO:  
1.    MOVE    THE    8:50    AGENDA    ITEM    TO    8:05  
      (APPROVAL/DISAPPROVAL-ALLOWANCE OF BUILDING PERMITS)  
2.    MOVE THE ROADS UPDATE DISCUSSION FROM THE WORK SESSION TO 9:20  
3.    MOVE THE ADJOURNMENT TO 9:30.  
VOTE:    YES-(3),    NO-NONE(0),    ABSENT-(2),    JIM NICOLET, SCOT SESSIONS.

APPROVAL/DISAPPROVAL-ALLOWANCE OF BUILDING PERMITS      Rayburn Day: Concerned about water levels vs. new homes being built.  
Ernestine Folks: The Town's obligation is to the current residents and their investment in their property. How can this be done if the Town continues to allow more new building. Mr.s Folks questioned the reality of the New Well being on line this year...and whether the Town will continue to issue building permits.



MINUTES OF ELK RIDGE TOWN COUNCIL MEETING - 7-12-94 CONT.

Mayor Jacobson:

In general:

1. Face to face negotiations have resumed with Loafer Recreation Association
2. The court case is still proceeding and movement in a positive direction has been made with the courts.
3. Options are being considered:
  - A. Booster station on the lower well to increase flow.
  - B. Develop well on the golf course
  - C. Contact has been made with Central Utah Project (CUP) for a long range plan to bring pressurized irrigation water to Elk Ridge.

The Mayor reviewed storage tank (water level) logs with the public present. With the present schedule, which allows the tank to refill on Sundays, we are maintaining a satisfactory level in the tanks. The watering restrictions will continue through the summer. The Mayor pointed out that any new building permits issued this year would not impact the Town's water system until next spring or summer. (Woodland Hills and Provo are having problems with wells pumping sand due to the level of the water table. The Mayor reported that according to the Engineer, the level of the aquifer of the lower well is probably dropping fairly low).

In the absence of Councilmember Nicolet, the Mayor read, aloud, his letter concerning this matter. Councilmember Nicolet expressed that, due to the water restrictions imposed on Elk Ridge residents, that a moratorium should be placed on the issuing of any new building permits until:

1. Water restrictions lifted for existing homes
2. Water Department can demonstrate with accurate facts that water can be delivered to all existing homes throughout 1994/1995.

Councilmember Nicolet stated that if the declaration of a moratorium is put to vote, that he would cast his vote, by proxy, in favor of placing a moratorium on the issuing of new building permits.

MINUTES OF ELK RIDGE TOWN COUNCIL MEETING - 7-12-94 CONT.

Don Mecham: Suggested that builders be required to use dry compaction methods rather than running water to compact the soil.

Mayor Jacobson:

1. Does not want to impose a moratorium on building permits without the full Council in attendance.
2. Suggested postponing the vote to allow:
  - A. negotiations with Loafer Recreation to proceed to a possible conclusion
  - B. Court case to be concluded

Tony Searle: Councilmember Searle understands the point of view of most of the citizens in Town that no more building should be allowed; however, he still feels a hesitancy due to the financial impact a moratorium would have on the Town. Any proposed solutions to the ability to service the residents would be difficult if not impossible to fund without the additional revenue generated by development fees, as well as connection fees on the building permits. He further pointed out that the Water and Sewer Funds contribute to the General Fund of the Town, as well as the actual building permit fees and Plan Check fees. A moratorium would impact not only the functions of the Water and Sewer Departments; but, the General Administration of the Town would also be affected. In the hope that a conclusion can be reached as far as the New Well is concerned, he feels there should be a 2 week postponement for a vote.

Lea Ann Adams: She also feels the vote should have the full Council present and the decision should be on the agenda in 2 weeks.

Rayburn Day: Suggested not allowing landscaping until water capacity is improved.

Kent Haskell:

1. Homes without lawns are not exceeding 10 - 12,000 gals/mo.
  2. Some homes are using over 200,000 gals/mo. (peak months)
  3. Average = about 80,000/mo. (peak months)
- Many people are misusing the water supply.

MINUTES OF ELK RIDGE TOWN COUNCIL MEETING - 7-12-94 CONT.

Ernestine Folks: 40 or 50 homes could impact the water system by next year. She questioned the reality of the New Well being on line when it has taken so long, to date. She requested information, in writing, which would demonstrate the financial impact of a moratorium. The Mayor did not feel the request was appropriate, and that any budgeting amendments would be public information.

MOTION WAS MADE BY MAYOR JACOBSON SECONDED BY LEA ANN ADAMS, TO POSTPONE THE DECISION ON THE ALLOWANCE OF BUILDING PERMITS FOR 2 WEEKS. VOTE: YES-(3), NO-NONE(0), ABSENT-(2), JIM NICOLET, SCOT SESSIONS.

Tony Searle suggested having the attorney research water restrictions on building permits. Don Mecham commented that this procedure is done in California.

Ernestine Folks made a final comment that after 15 years of water restrictions, it would be nice to be able to use the water we all pay for. Mayor Jacobson agreed that this is the goal for the Council, as residents as well.

LOT 18  
PLAT "C"/  
RECON-  
SIDERATION

There will be a simultaneous exchange of the release of title to Lot 18, to Suburban Land Corp. for the sale of the property for the cash sufficient to install the unfinished portion of Hillside Dr. around Lots 14 & 15. At the council meeting of 6-28-94, it was voted on to require 34' of paved road and curb/gutter for Hillside Dr.

The Town's attorney was asked to advise the Council whether they can require an already approved subdivision to conform to the current improvement requirements.

Legal Opinion: The Town cannot require the developer to put in greater improvements than was required at the time the plat was approved and recorded (1977).

MOTION WAS MADE BY MAYOR JACOBSON SECONDED BY TONY SEARLE, TO RECONSIDER THE REQUIREMENTS IMPOSED ON THE TRANSFER OF LOT #18, PLAT "C", SALEM HILLS SUBDIVISION:

MINUTES OF ELK RIDGE TOWN COUNCIL MEETING - 7-12-94 CONT.

1. INSTEAD OF BID OPTION #2 (34' OF PAVEMENT), THAT BID OPTION #1 (28' PAVEMENT) BE ACCEPTED. 28' OF PAVEMENT WAS VALID AT THE TIME THE PLAT WAS RECORDED.

2. RESCIND THE REQUIREMENT TO BOND FOR CURB/GUTTER ON THE PORTION OF HILLSIDE DR. THAT EXTENDS AROUND LOTS 14 & 15, PLAT "C".

VOTE: YES-(3), NO-NONE(0), ABSENT-(2), JIM NICOLET, SCOT SESSIONS.

\* The Town Clerk was assigned to inform Jim Winterton of the Council's decision and to proceed with the transfer of the deed to lot #18.

4TH OF JULY  
FINANCIAL  
REPORT

Councilmember Sessions was absent.

MOTION WAS MADE BY MAYOR JACOBSON SECONDED BY LEA ANN ADAMS, TO BYPASS THIS AGENDA ITEM. VOTE: YES-(3), NO-NONE(0), ABSENT-(2), JIM NICOLET, SCOT SESSIONS.

PARKS/  
FINANCIAL  
REPORT

No information.

Dale Bigler reported that wood chips (mulch) will line the park area where the swings are located. \$250 of the Park's budget is needed for this purchase.

MOTION WAS MADE BY MAYOR JACOBSON SECONDED BY LEA ANN ADAMS, TO APPROVE \$250, FROM THE CAPITAL PROJECTS/PARKS, TO OBTAIN THE MATERIALS NECESSARY FOR THE INSTALLATION OF THE SWINGS. VOTE: YES-(3), NO-NONE(0), ABSENT-(2), JIM NICOLET, SCOT SESSIONS.

UTILITY  
LINES

Kent Haskell was present to seek approval to require the utility companies to bury their lines a minimum of 3'.

Problem:

Shallow lines are in danger of breakage. Utility companies are burying the lines at various depths, all of which are too shallow. Breakage is very costly to repair.

MINUTES OF ELK RIDGE TOWN COUNCIL MEETING - 7-12-94 CONT.

Strawberry Electric buries their lines about 5', sand it, and they don't feel that it cost anymore. TCI will install fibre-optics in Elk Ridge next year, this is not hundreds to repair; but, thousands! Mr. Haskell requests not only 3' depth, but to be contained within a conduit, 6" of sand (with a warning tape).

Mr. Haskell would like a Town policy passed immediately to be able to require this of the utility companies. An ordinance is needed so that a penalty can be assigned to any violation.

MOTION WAS MADE BY TONY SEARLE SECONDED BY LEA ANN ADAMS, TO APPROVE A POLICY OF THE TOWN OF ELK RIDGE ENTITLED: "BURIED UTILITY LINES WITHIN THE TOWN LIMITS". VOTE: YES-(3), NO-NONE(0), ABSENT-(2), JIM NICOLET, SCOT SESSIONS.

The Town Clerk will retype the document to be signed and posted by 7-13-94.

Kent Haskell is to submit copies to all utility companies installing lines.

APPROVAL/  
DISAPPROVAL  
BUILDING  
PERMITS

Even though this agenda item had been moved forward, many citizens were present to discuss the matter.

Mayor Jacobson reviewed the prior discussion with the additional public present. Dale Bigler commented that perhaps the court, deciding on the matter of the New Well, would raise the priority of the case if they know that the water situation is so critical. Councilmember Searle has presented this information to our attorney.

CELLULAR  
PHONE-  
KENT HASKELL

Kent Haskell feels a cellular phone, to be able to contact him regardless of where he might be, would benefit the Town.

Cost: (U.S. West)

\$135 - phone, \$35-hook up, \$60-strap, \$27.50 for 2 hrs/mo.

Lea Ann Adams suggested: 1. checking the rates with "Cellular 1" 2. Considering a 2-way radio.

Kent Haskell is to gather cost comparisons and present the information at the next Council Meeting.

MINUTES OF ELK RIDGE TOWN COUNCIL MEETING - 7-12-94 CONT.

NEW WELL

The Mayor conducted an "update" for those citizens present to hear information about the New Well. Confidential information, discussed in the Closed Session, cannot be reviewed. The condemnation process is proceeding in a favorable direction in the courts.

Anticipated:

1. It is anticipated that right of entry for the water line will be granted within the next 2 weeks
2. Water line has been engineered
3. Negotiations with Loafer Recreation Association have resumed to attempt an "out of court settlement"
4. Perhaps within 4-6 weeks, bids can go out for the construction of the water line.
5. Undecided as to type of power  
(1 phase or 3 phase)

Kent Haskell reported that currently the Town is pumping 350 gpm - 100 gpm less than is ordinarily pumped. This indicates a "draw down" on the lower well, currently running at 250 gpm. (as compared to 300 gpm 2 weeks ago). All wells are running a full force and about 2 ft/day is being lost in the tank. Options were discussed:

1. New Well
2. Booster station on lower well
3. Pressurized Irrigation water (CUP) long range

EXPENDITURES

MOTION WAS MADE BY TON SEARLE TO APPROVE THE LIST OF EXPENDITURES FOR JUNE, 1994. VOTE: YES-(3), NO-NONE(0), ABSENT-(2) JIM NICOLET, SCOT SESSIONS.

ROADS

1. Parking lot repair (Town Hall) 11,110 sq. ft.

Bids:

- A. 1,587 (.15/sq. ft.)
- B. 1,263 (.12/sq. ft.)

Councilmember Searle cautions that any contractor be bonded.

The roads will be repaired before the parking lot is improved.

MINUTES OF ELK RIDGE TOWN COUNCIL MEETING - 7-12-94 CONT.

2. Road Repair

1 bid for costs is in, 2 other bids have not been returned. (Are they necessary?).

Mayor Jacobson is to contact the attorney to get advise as to the necessity of more than one bid.

Work is to begin August 1, 1994

1. Park Dr.
2. Escalante Dr.
3. South end of Salem Hills Dr.

Councilmember Adams and the Clerk are to meet to discuss the budget for road repair.

Escalante should be surveyed before being replaced.

APPROVAL OF  
MINUTES OF  
PREVIOUS  
MEETING

MOTION WAS MADE BY MAYOR JACOBSON SECONDED BY LEA AN ADAMS, TO APPROVE THE MINUTES OF THE PREVIOUS MEETING AS PRESENTLY CONSTITUTED. VOTE: YES-(3), NO-NONE(0), ABSENT-(2), JIM NICOLET, SCOT SESSIONS.

ADJOURNMENT

MOTION WAS MADE BY MAYOR JACOBSON SECONDED BY TONY SEARLE, TO ADJOURN. VOTE: YES-(3), NO-NONE(0), ABSENT-(2) JIM NICOLET, SCOT SESSIONS.

  
Town Clerk



## NOTICE & AGENDA

Notice is hereby given the Town Council of Elk Ridge will hold a regular Town Council Meeting on Tuesday, July 26, 1994, beginning with a Joint Public Hearing with the Planning Commission at 7:00 P.M., a Public Hearing at 7:45 P.M., followed by the regular Council Meeting at 8:00 P.M. The meeting will be held at the Elk Ridge Town Hall, 80 E. Park Drive, Elk Ridge, Utah.

- 7:00 P.M. JOINT PUBLIC HEARING REGARDING A PROPOSED AMENDMENT TO THE DEVELOPMENT CODE:
1. ALLOWING THE APPROVAL OF "FLAG LOTS" WITHIN THE RR-1, CE-1 AND CE-2 ZONES
  2. MODIFYING STANDARDS FOR DEVELOPMENT ON PRIVATE WATER SYSTEMS
  3. REGULATING THE LONG TERM PARKING OF CONSTRUCTION EQUIPMENT IN RESIDENTIAL ZONES
- 7:45 P.M. PUBLIC HEARING REGARDING:
1. A PROPOSED ORDINANCE REGULATING THE BURIAL OF UTILITY LINES WITHIN THE BOUNDARIES OF ELK RIDGE
  2. A PROPOSED AMENDMENT TO THE ELK RIDGE NUISANCE ORDINANCE 82-3
- 8:00 P.M. - REGULAR COUNCIL MEETING AGENDA ITEMS:
- 8:00 Invocation & Pledge of Allegiance
- 8:05 Approval of Agenda Time Frame
- 8:10 Water Update
1. Options
  2. Status-New Well
- 8:20 Approval/Disapproval-Allowance of Building Permits
- 9:00 Adoption of a Proposed Amendment to the Development Code:
1. Allowing the Approval of "Flag Lots" within the boundaries of RR-1, CE-1 and CE-2 zones
  2. Modifying Standards for Development on Private Water Systems
  3. Regulating the long term parking of Construction Equipment in Residential Zones
- 9:15 Adoption of a Proposed Ordinance Regulating the Burial of Utility Lines within the Boundaries of Elk Ridge
- 9:20 Adoption of a Proposed Amendment to the Elk Ridge Nuisance Ordinance 82-3
- 9:25 Road Repair-Lea Ann Adams
- 9:35 Budget Discussion
- 9:45 Expenditures:
- General:
- Cellular Phone-Kent Haskell
- 4th of July Financial Report
- 10:00 Approval of Minutes of Previous Meeting
- 10:05 Adjournment



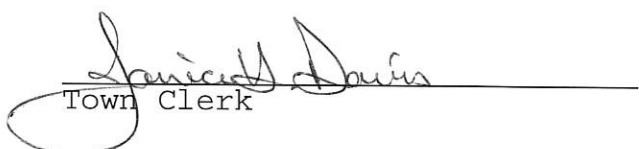
The times listed for each item and the agenda may be accelerated if time permits. All interested persons are invited to attend.

Dated this 22nd day of July, 1994.

  
Town Clerk

#### CERTIFICATION

I, the undersigned, duly appointed and acting Town Clerk for the municipality of Elk Ridge hereby certifies that a copy of the foregoing Notice and Agenda was hand carried to the Payson Chronicle, 12 S. Main, Payson, Utah and mailed to each member of the governing body on July 22, 1994.

  
Town Clerk

PUBLIC HEARING

JULY 26, 1994

TIME & PLACE  
OF MEETING

The regular meeting of the Elk Ridge Town Council was held on Tuesday, July 26, 1994, with a Joint Public Hearing with the Planning Commission at 7:00 P.M., a Public Hearing at 7:45 P.M., followed by the regular Council Meeting at 8:00 P.M., at the Elk Ridge Town Hall, 80 East Park Drive, Elk Ridge, Utah.

Notice of time, place and Agenda of this meeting was provided to the Payson Chronicle and to each member of the governing body by mailing a copy to each on July 22, 1994.

JOINT PUBLIC  
HEARING

Amendment to Development Code: Flag Lots; Development Standards; Parking of Commercial Equipment.

ROLL CALL

Mayor Jacobson, Councilmembers: Lea Ann Adams, Tony Searle, Scot Sessions, (Jim Nicolet, Absent); Mark Farr, Matt Dastrup, Hal Shuler, Janice Davis, Town Clerk.

AT 7:00 P.M., MAYOR JACOBSON OPENED THE PUBLIC HEARING TO RECEIVE COMMENT ON THE FOLLOWING ISSUES RELATED TO THE PROPOSED AMENDMENT TO THE DEVELOPMENT CODE:

1. Flag Lots/ RR-1, CE-1, CE-2 Zones  
The Planning Commission recommended that this matter go to Public Hearing. (Amendment to Section 10-5-6.5)

Flag lot development will be subject to the following:

- A. Planning Commission recommendation
- B. Access requirements of the zone, permit flag lots
- C. Town Council approval
- D. Driveway connecting building site with street must meet standards
- E. Lots size must meet zone requirements, excluding the driveway
- F. Any residual lot created by the action shall conform to the minimum zone requirements
- G. No change in set backs

MINUTES OF PUBLIC HEARING - 7-26-94 CONT.

- H. No change in fire hydrant requirements
- I. Detailed site plan submitted/approved by Planning Commission
  - A. Fire break may be required where necessary
- 2. Modifying standards for development on private water systems (Amending Section 10-3-3-22)

The Amendment would not allow building on a water system inadequate for both culinary and fire fighting purposes. The Planning Commission has recommended this change.

Discussion:

Hal Shuler commented that building in the Goosenest area should not be held up due to lack of fire flow. He feels that people build in the area knowing that there are no fire hydrants, and they are still allowed to exercise their right to build a home. He feels Hydrants could be connected to the existing system.

Mark Farr - With fire hydrants on the Goosenest System the water line would collapse with a good sized pumping truck. Suggested a collapsible tank for trucks to tap into (short-term solution).

Tony Searle - Questions if the Town would be liable to insure the upgrade of the Goosenest System?

Mayor Jacobson - The passage of this amendment does not preclude development in the area, if a line were run from the existing Elk Ridge System, then development could occur.

- 3. Storage of Commercial Vehicles/Prohibited (Amending Section 10-3-3.29)

This amendment would prohibit the storage of commercial or construction type vehicles/equipment over 1 1/2 tons, in residential zones, except during building, not to exceed one year.

Discussion:

Councilmember Searle questioned how the 1 1/2 tons was decided upon. What do people do who use a commercial vehicle to make a living? He suggested changing the weight allowance to 2 tons. (Woodland Hills has a 2 ton limit).

MINUTES OF PUBLIC HEARING - 7-26-94 CONT.

The Planning Commission has not considered this change. Mayor Jacobson explained that this section had been included in the prior Development Code, and was inadvertently left out.

Councilmember Adams advised that 1 1/2 tons or greater is considered a commercial vehicle.

Matt Dastrup - a residential zone should not allow commercial vehicles.

MOTION WAS MADE BY MAYOR JACOBSON SECONDED BY SCOT SESSIONS, TO CLOSE THE PUBLIC HEARING ON THE PROPOSED AMENDMENTS TO THE DEVELOPMENT CODE. VOTE: YES-(4), NO-NONE(0), ABSENT-(1) JIM NICOLET.

The Planning Commission adjourned to reconvene in another room and to submit a recommendation on the proposed amendment.

PUBLIC HEARING/BURIED UTILITY LINES

MAYOR JACOBSON OPENED THE PUBLIC HEARING

There exists a problem of various utility companies burying lines at a shallow depth. They are in danger of exposure or breakage, which is costly. This Ordinance would require:

1. All utility lines within the Elk Ridge boundaries to be buried at least 36" (inches)
2. Fiber Optic lines to be encased within plastic tubing or conduit, with 6" of sand above/yellow warning tape on top of sand.
3. Lines which cannot be detected are to have a metal wire buried with the lines. This will be applicable to newly installed lines.
4. Violation - Class C misdemeanor

Discussion:

Mark Farr - There should be a limit to the time it takes to actually bury the cable line after the company initially installs it. (This Ordinance will not address this issue).

MOTION WAS MADE BY MAYOR JACOBSON SECONDED BY LEA ANN ADAMS, TO CLOSE THE PUBLIC HEARING ON PROPOSED ORDINANCE #94-7-26-4. VOTE: YES-(4), NO-NONE(0), ABSENT-(1) JIM NICOLET.

MINUTES OF PUBLIC HEARING - 7-26-94 CONT.

NUISANCE ORDINANCE

Mayor Jacobson opened the Public Hearing on the proposed Amendment to Ordinance # 82-3.

3 items to be added:

1. Disturbance of peace
2. Construction work during specified hours
3. Containment/Rubbish, Debris
  - A. Dumpster required
  - B. Bond \$250.00 - to be added to newly issued building permits - bond to be refunded after final inspection.
4. Violation - Class C misdemeanor

Discussion:

This Ordinance mirrors the Provo ordinance on the same matter. It is mainly directed at noise from construction workers.

Councilmember Searle expressed concern that the law could be taken to the extreme and complaints registered against harmless activity.

MOTION WAS MADE BY MAYOR JACOBSON SECONDED BY TONY SEARLE, TO CLOSE THE PUBLIC HEARING ON THE AMENDMENT TO THE NUISANCE ORDINANCE # 82-3. VOTE: YES-(4), NO-NONE(0), ABSENT-(1), JIM NICOLET.

# ELK RIDGE TOWN COUNCIL MEETING

JULY 26, 1994

TIME & PLACE OF MEETING      The regular meeting of the Elk Ridge Town Council was held on Tuesday, July 26, 1994, with a Joint Public Hearing with the Planning Commission at 7:00 P.M., a Public Hearing at 7:45 P.M., followed by the regular Council Meeting at 8:00 P.M., at the Elk Ridge Town Hall, 80 East Park Drive, Elk Ridge, Utah.

Notice of time, place and Agenda of this meeting was provided to the Payson Chronicle and to each member of the governing body by mailing a copy to each on July 22, 1994.

ROLL CALL      Mayor Jacobson, Councilmembers: Lea Ann Adams, Tony Searle, Scot Sessions, (Absent, Jim Nicolet), Nelson & Wanda Santiago, Mark Farr, Ray Day, William & Carol Harding, Jo Ann Bigler, Joe Lengal, Karen Taylor, Don Mecham, Matt Rutter, Hal Shuler, David Tuckett, Pat Jacobson, Janice H. Davis, Town Clerk.

INVOCATION & PLEDGE OF ALLEGIANCE      Prayer was offered by Lea Ann Adams with the pledge of allegiance following.

APPROVAL OF AGENDA TIME FRAME      MOTION WAS MADE BY MAYOR JACOBSON SECONDED BY TONY SEARLE, TO APPROVE THE AGENDA TIME FRAME AS WRITTEN.

WATER UPDATE      Mayor Jacobson informed those present of the status of the water situation in Elk Ridge.

1. Courts have granted Right of Entry for the water line from the New Well

Steps to be taken:

- A. Close on the rest of the loan
- B. Obtain easements from property owners
- C. Bids to go out for the installation of the line
- D. Decision on power to the Well
- E. Build Well house

The line will go to the upper tank and flow to the lower tank.

2. Mayor Jacobson and Tony Searle are to meet with Loafer Recreation Association 7-27-94 to further negotiate a settlement.

MINUTES OF ELK RIDGE TOWN COUNCIL MEETING - 7-26-94 CONT.

Options:

1. Booster Station on line from the lower well (#4) would increase flow.
2. Develop Golf Course Well
  - A. Elk Ridge owns the hole (well), not the land it's on.
  - B. Payson owns the land
  - C. Estimate of \$110,000 - \$120,000 to develop

1st Goal - New Well on line

2nd Goal - Booster Station

Discussion:

Mark Farr - Water level should be measured

Ray Day - How long to install booster station?

Councilmember Searle - No option will help the water situation for this summer - restrictions will continue.

The Mayor presented 1993/94 fiscal year end figures regarding revenue brought in by building permits.

General Fund - 34,000 + 600 for Contractor water

Water Fund - 35,000

Sewer Fund - 17,000

Total 86,600

Discussion:

Don Meham, in an effort to increase the water in Elk Ridge, is willing to bond with the Town (40,000) to install a booster station. this would be done as the New Well is still being pursued. Mr. Meham pointed out the disadvantages of declaring a moratorium. Revenue from development and building generates revenue to use in upgrading the System. He pointed out that land must be usable to be of value.

Karen Taylor - resident

Not against the development of Elk Ridge, but, would like to see controlled growth.

Concerns:

1. Master Plan?
2. Following the plan?
3. Are development fees, building permit fees the main source of revenue for the Town? If so, where will it end?

MINUTES OF ELK RIDGE TOWN COUNCIL MEETING - 7-26-94 CONT.

4. Long term plan to service the homes?  
There must be a balanced program to allow growth and be able to adequately service the Town.

Wanda Santiago - Feels current residents must be considered as well as future residents. The Town has survived "no building" in the past.  
Proposes - Temporary Moratorium

Carol Harding - future resident  
Asks that the actions of the Town should create an atmosphere where people are made to feel welcome.

Mark Farr - 1) Questions the number of permits issued this year so far. 2) Questions bonding on booster pump.

Mr. Mecham, based on the approval of Phase 2 of Oak Bluff Estates, would bond with the Town for the funds necessary to install the booster station. this would be paid back over a period of time.

Mayor Jacobson -

1. No new development since January 4, 1994, when the new Council took office.
  - A. Stopped selling water rights or granting water rights to those who have purchased them else where and seek transfers. This action stopped development.

Hal Shuler - All approved lots have had the development fees for water paid for.

Councilmember Lea Ann Adams -

A moratorium now would not have an impact on the water system at this time. Building permits issued at this time would not have homes on line until next year.

Councilmember Tony Searle -

The Town would survive a moratorium, financially, from a budgetary point of view.

Issues of concern:

1. Current residents must be protected
2. Property owners of lots want to be able to use the property and have rights



MINUTES OF ELK RIDGE TOWN COUNCIL MEETING - 7-26-94 CONT.

3. A moratorium will affect values
  - A. Proposes - allow building - no landscaping until restrictions are lifted, or the water problem is resolved.
    1. New Permits
    2. Dave Tuckett says it is legal

Joe Lengal -

1. No water in Western United States is historical
2. Master Plan - Business professionals should be consulted
  - A. Expensive to insure the Town will prosper
  - B. Doesn't happen quickly

Nelson Santiago - Feels the Town is progressing too fast. It will cost too much to service lots and will destroy the quality of life.

Harding - Good people moving in will enhance the area.

Mark Farr - Issue is, the water restriction is a now problem. Agrees with Councilmember Searle: Building permits with no landscaping and allow Don Meham to assist with the booster pump.

Don Meham -

1. Planning is taking place:
  - A. New pump on lower well/increased capacity
  - B. New Well is being pursued
2. As a developer, I am preserving the atmosphere for the residents as well as the wildlife. One person cannot dictate what happens on another's property.

Jo Ann Bigler - 19 year resident - has been hearing the same thing for years.

Questions:

1. If well doesn't come on?
2. When will booster go on?
3. Long range?

Scot Sessions -

1. Water is an on-going problem in the West
  - A. After the New Well is on line, other sources will be sought

MINUTES OF ELK RIDGE TOWN COUNCIL MEETING - 7-26-94 CONT.

2. Obligation to current residents and property owners, as well.
3. Moratorium can go for a maximum of 6 months. It is a time to correct problems. He feels a moratorium would be detrimental to all.

MOTION WAS MADE BY TONY SEARLE SECONDED BY SCOT SESSIONS, TO CONTINUE WITH CURRENT POLICY UNTIL THE WATER SITUATION IS RESOLVED BY THE TOWN COUNCIL;

1. NO NEW SUBDIVISION LOTS APPROVED
2. BUILDING PERMITS ISSUED AFTER 2-27-94 WILL NOT ALLOW LANDSCAPING

POLL: VOTE - YES-(4), MAYOR JACOBSON, LEA ANN ADAMS, TONY SEARLE, SCOT SESSIONS, ABSENT-(1), JIM NICOLET.

ADOPTION/  
PROPOSED  
AMENDMENT  
TO THE  
DEVELOPMENT  
CODE

Recommendation from the Planning Commission;  
to adopt:

1. Flag lots
2. Standards for development on Private Water Companies
3. Regulating long term parking for commercial vehicles (2 ton limit)

Hal Shuler - By not allowing building without fire fighting capability, it infringes on property owner's rights to develop the property. People build with full knowledge that there are no fire hydrants.

MOTION WAS MADE BY MAYOR JACOBSON SECONDED BY LEA ANN ADAMS, TO APPROVE THE AMENDMENT TO THE DEVELOPMENT CODE ON THE FOLLOWING ISSUES:

1. ALLOW FLAG LOTS
2. PROHIBIT LONG TERM PARKING OF COMMERCIAL VEHICLES OR CONSTRUCTION EQUIPMENT OVER 2 TONS (CHANGE FROM 1 1/2 TONS)
3. ALL APPROVED DWELLINGS/OTHER BUILDINGS USED FOR HUMAN OCCUPANCY MUST CONNECT TO A WATER SYSTEM CAPABLE OF PROVIDING AND DELIVERING ADEQUATE FLOW FOR BOTH CULINARY AND FIRE FIGHTING PURPOSES.

POLL: VOTE: YES-(4), MAYOR JACOBSON, TONY SEARLE, LEA ANN ADAMS, SCOT SESSIONS, ABSENT-(1), JIM NICOLET.

MINUTES OF ELK RIDGE TOWN COUNCIL MEETING - 7-26-94 CONT.

ADOPTION - MOTION WAS MADE BY TONY SEARLE SECONDED BY SCOT  
ORDINANCE/ SESSIONS, TO ADOPT ORDINANCE # 94-7-26-4,  
BURIED ENTITLED BURIED UTILITY LINES. POLL: VOTE: YES-  
UTILITY (4), MAYOR JACOBSON, SCOT SESSIONS, TONY SEARLE, LEA  
LINES ANN ADAMS, ABSENT-(1), JIM NICOLET.

ADOPTION - MOTION WAS MADE BY LEA ANN ADAMS SECONDED BY MAYOR  
AMENDMENT TO JACOBSON, TO ADOPT ORDINANCE #94-7-26-5, AMENDING  
NUISANCE NUISANCE ORDINANCE 82-3 WITH REFERENCE TO THE  
ORDINANCE 82-3 FOLLOWING ISSUES:

1. DISTURBANCES OF THE PEACE
2. CONSTRUCTION WORK DURING SPECIFIED HOURS
3. CONTAINMENT OF RUBBISH, DEBRIS, TRASH, GARBAGE,  
BUILDING MATERIAL REFUSE.

POLL: VOTE: YES-(4), MAYOR JACOBSON, LEA ANN  
ADAMS, TONY SEARLE, SCOT SESSIONS, ABSENT-(1) JIM  
NICOLET.

ROAD REPAIRS \$21,000 is available in the 1994/95 budget for  
Asphalt Repair. Councilmember Adams is expecting  
bids back from 3 companies. 21,000 takes care of  
approximately 1/4 of what was planned for the main  
arteries. Working on a 5-year plan to maintain Elk  
Ridge roads.

BUDGET Sewer Administration fee needs to be changed. Loan  
DISCUSSION figures for the New Well will be reflected by actual  
figures. Some changes to the budget will take  
place after consulting with Kim Peterson. Question  
- How long can the Town keep cash in lieu of an  
improvement being installed? Dave Tuckett is  
researching.

Tax Increase Discussion

EXPENDITURES

CELLULAR No new information

MOTION WAS MADE BY MAYOR JACOBSON SECONDED BY SCOT  
SESSIONS, TO MOVE TO THE NEXT TOWN COUNCIL MEETING.  
VOTE: YES-(4), NO-NONE(0), ABSENT-(1), JIM  
NICOLET.

4TH OF JULY  
REPORT

Councilmember Sessions reported:  
Total deposited (Revenue) = \$1,646.37  
Total expenses = 656.79  
Profit = 989.58  
Less Breakfast money - 820.17  
Profit to Park = \$169.41

MINUTES OF ELK RIDGE TOWN COUNCIL MEETING - 7-26-94 CONT.

APPROVAL OF MINUTES OF PREVIOUS MEETING      MOTION WAS MADE BY MAYOR JACOBSON SECONDED BY TONY SEARLE, TO APPROVE THE MINUTES OF THE PREVIOUS MEETING AS PRESENTLY CONSTITUTED. VOTE: YES-(4), NO-NONE(0), ABSENT-(1), JIM NICOLET.

ADJOURNMENT      MOTION WAS MADE BY TONY SEARLE SECONDED BY MAYOR JACOBSON, TO ADJOURN. VOTE: YES-(4), NO-NONE(0), ABSENT-(1) JIM NICOLET.

  
Town Clerk

### NOTICE & AGENDA

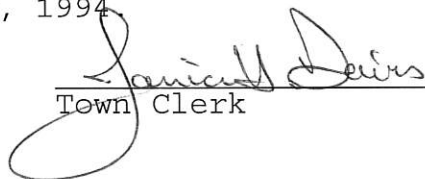
Notice is hereby given the Town Council of Elk Ridge will hold a regular Town Council Meeting on Tuesday, August 2, 1994, at 7:00 P.M. The meeting will be held at the Elk Ridge Town Hall, 80 E. Park Drive, Elk Ridge, Utah.

7:00 P.M. - REGULAR COUNCIL MEETING AGENDA ITEMS:

7:00	Invocation & Pledge of Allegiance
7:05	Approval of Agenda Time Frame
7:10	Discussion/Approval-
	Tentative Agreement/Loafer Recreation
	Association/Elk Ridge
7:45	Adjournment


The times listed for each item and the agenda may be accelerated if time permits. All interested persons are invited to attend.

Dated this 28th day of July, 1994

  
\_\_\_\_\_  
Town Clerk

### CERTIFICATION

I, the undersigned, duly appointed and acting Town Clerk for the municipality of Elk Ridge hereby certifies that a copy of the foregoing Notice and Agenda was hand carried to the Payson Chronicle, 12 S. Main, Payson, Utah and mailed to each member of the governing body on July 28, 1994.

  
\_\_\_\_\_  
Town Clerk

MINUTES OF PUBLIC HEARING - 8-9-94 CONT.

Ernestine Folks: Asked if the repair of Escalante is budgeted for

Mayor Jacobson: Master plan for roads includes the repair or replacement of Escalante, perhaps not this year.

The Public Hearing was closed and moved to the regular Work Session of the Meeting.

ELK RIDGE TOWN COUNCIL WORK SESSION

AUGUST 9, 1994

FIRE DEPT.  
UPDATE

Councilmember Scot Sessions reported that the Fire Engine that the Town proposes to purchase won't be available until mid October. The Downey, California Fire Dept. won't get their new truck until the end of August. It will take them until October to outfit the new truck. Councilmember Sessions is working with Chief Farr on a Master Plan for the Fire Department. Short/long-range plans. A Full-time Fire Department is not a likely option for Elk Ridge, but, as growth occurs, a full-time fireman may be considered.

MOTION WAS MADE BY MAYOR JACOBSON SECONDED BY JIM NICOLET, TO CLOSE THE WORK SESSION. VOTE: YES-(4), NO-NONE, ABSENT-(1), LEA ANN ADAMS.

ELK RIDGE TOWN COUNCIL MEETING

AUGUST 9, 1994

TIME & PLACE OF MEETING      The regular meeting of the Elk Ridge Town Council was held on Tuesday, August 9, 1994, beginning with a Public Hearing at 7:00 P.M., followed by the Work Session at 7:45 P.M., with the regular Council Meeting at 8:00 P.M., at the Elk Ridge Town Hall, 80 East Park Drive, Elk Ridge, Utah.

Notice of time, place and Agenda of this meeting was provided to the Payson Chronicle and to each member of the governing body by mailing a copy to each on August 5, 1994.

ROLL CALL      Mayor Jacobson, Councilmembers: Scot Session, Jim Nicolet, Tony Searle, (Lea Ann Adams, absent); Ernestine Folks, Don Mecham, Hal Shuler, Pat Jacobson, Alisha Jacobson, Dennis Jacobson, Kent Haskell, Don Weishar, Jo Ann Bigler, Janice H. Davis, Town Clerk.

INVOCATION & PLEDGE OF ALLEGIANCE      Prayer was offered by Jim Nicolet with the pledge of allegiance following.

APPROVAL OF AGENDA TIME FRAME      MOTION WAS MADE BY MAYOR JACOBSON SECONDED BY SCOT SESSIONS, TO APPROVE THE AGENDA TIME FRAME, DELETING THE 9:20 AGENDA ITEM. VOTE: YES-(4), NO-NONE(0), ABSENT-(1), LEA ANN ADAMS.

MATT RUTTER SUBDIVISION/FINAL ACCEPTANCE      Having received final clearance from Hall Engineering, the improvements are considered complete. The "durability retainer" will be retained for 2 years from this date of acceptance.

MOTION WAS MADE BY MAYOR JACOBSON SECONDED BY JIM NICOLET, TO ACCEPT THE REQUIRED SUBDIVISION IMPROVEMENTS AS COMPLETE FOR THE MATT RUTTER SUBDIVISION. VOTE: YES-(4), NO-NONE(0), ABSENT-(1), LEA ANN ADAMS.

OAK BLUFF ESTATES, PLAT A, SUBDIVISION/FINAL ACCEPTANCE      MOTION WAS MADE BY MAYOR JACOBSON SECONDED BY SCOT SESSIONS, TO ACCEPT THE REQUIRED SUBDIVISION IMPROVEMENTS FOR OAK BLUFF ESTATES, PLAT A., AS COMPLETE, AS RECOMMENDED BY THE TOWN ENGINEER. VOTE: YES-(4), NO-NONE(0), ABSENT-(1), LEA ANN ADAMS.

MINUTES OF ELK RIDGE TOWN COUNCIL MEETING - 8-9-94 CONT.

The Mayor cautions that, with a lower rate, it would be difficult to raise the rates again.

Councilmember Searle reviewed a comparison of rates from other cities.

Councilmember Jim Nicolet would like to see a written distribution curve on usage. A decision on the water rates will be postponed until the next Council Meeting.

MOTION WAS MADE BY MAYOR JACOBSON SECONDED BY TONY SEARLE, TO SET THE DATE FOR THE PUBLIC HEARING ON WATER RATES FOR THE 13TH OF SEPTEMBER, 1994, AT 7:00 P.M. VOTE: YES-(4), NO-NONE(0), ABSENT-(1), LEA ANN ADAMS.

ROAD REPAIR

Councilmember Lea Ann Adams was not present to discuss information on road repair. The Mayor will meet with Councilmember Adams to review her plans and the bids. Kent Haskell suggested stubbing out vacant lots prior to major road repair to avoid cutting the road.

EXPENDITURES:  
GENERAL:

1. "CASH IN LIEU OF" BONDS:

The question has been raised if cash bonds for the improvement of water lines in the Goosenest area should be returned to the property owners. The Mayor commented that in the previous Council Meeting, it was decided not to allow building without adequate water for fire protection. If the water line is upgraded in the Goosenest area, it will probably be done with a grant or by creating an SID.

After consulting the Town's attorney, the Mayor advised that the Town has no legal obligation to return the "cash in lieu of" money to the property owners who have posted that bond money, however, there has been a request for the return of the funds. According to the attorney, if an SID were created, the property owners who have already paid a portion of the funds may feel they are exempt from further payment, therefore, recommends returning the money to the 4 property owners on Goosenest.



MINUTES OF ELK RIDGE TOWN COUNCIL MEETING - 8-9-94 CONT.

The question was raised if cash bonds for road improvements would be refunded to property owners on Loafer Canyon Road. It was felt that these are separate issues by Councilmember Sessions.

Mayor - other Cities/Towns do not take cash in lieu of installation of improvements, bonds should be refunded.

Councilmember Searle, expressed his feeling that money should not be refunded; that improvements should be installed.

Mayor - Goosenest:

1. Sees no opportunity to improve the system
2. Water lines should be engineered as a whole and not installed piecemeal
3. Feels the "Cash in lieu" policy should be eliminated

Much thought and planning has gone into the matter of road assessments and other "cash in lieu of" issues. It should not be eliminated until after consideration.

This matter will receive further discussion at the next Council Meeting, with Rod Despain present.

2. CELLULAR PHONE:

Kent Haskell discussed cost comparisons with U.S. West.

MOTION WAS MADE BY MAYOR JACOBSON SECONDED BY JIM NICOLET, TO APPROVE A CELLULAR PHONE FOR THE PUBLIC WORKS SUPERVISOR. VOTE: YES-(3), NO-(1), TONY SEARLE, ABSENT-(1), LEA ANN ADAMS.

MOTION WAS MADE BY MAYOR JACOBSON SECONDED BY JIM NICOLET, TO APPROVE THE LIST OF EXPENDITURES FOR JULY, 1994. VOTE: YES-(4), NO-NONE(0), ABSENT-(1), LEA ANN ADAMS.

APPROVAL OF  
MINUTES OF  
PREVIOUS  
MEETING

MOTION WAS MADE BY MAYOR JACOBSON SECONDED BY SCOT SESSIONS TO APPROVE THE MINUTES OF THE PREVIOUS MEETING AS PRESENTLY CONSTITUTED. VOTE: YES-(4), NO-NONE(0), ABSENT-(1), LEA ANN ADAMS.

MINUTES OF ELK RIDGE TOWN COUNCIL MEETING - 8-9-94 CONT.

MOTION WAS MADE BY SCOT SESSIONS SECONDED BY MAYOR JACOBSON, TO CLOSE THE REGULAR SESSION OF THE TOWN COUNCIL MEETING AND MOVE TO THE CLOSED (EXECUTIVE) SESSION FOR THE DISCUSSION OF LITIGATION MATTERS. VOTE: YES-(4), NO-NONE(0), ABSENT-(1), LEA ANN ADAMS.

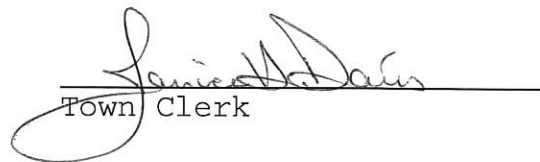
MAYOR JACOBSON OPENED THE CLOSED SESSION AT 10:00 P.M.

DISCUSSION OF LITIGATION

MOTION WAS MADE BY MAYOR JACOBSON SECONDED BY SCOT SESSION, TO CLOSE THE EXECUTIVE SESSION. VOTE: YES-(4), NO-NONE(0), ABSENT-(1), LEA ANN ADAMS.

ADJOURNMENT

MOTION WAS MADE BY TONY SEARLE SECONDED BY MAYOR JACOBSON, TO ADJOURN. VOTE: YES-(4), NO-NONE(0), ABSENT-(1) LEA ANN ADAMS.

  
Town Clerk

NOTICE & AGENDA

Notice is hereby given the Town Council of Elk Ridge will hold a regular Town Council Meeting on Tuesday, August 23, 1994, the Council Work Session at 7:00 P.M., followed by the regular Council Meeting at 8:00 P.M. The meeting will be held at the Elk Ridge Town Hall, 80 E. Park Drive, Elk Ridge, Utah.

7:00 P.M. -

COUNCIL WORK SESSION:

Road Repair-Lea Ann Adams  
Parks/Financial Report-Scot Sessions  
Elk Ridge Sign (Hwy 6)  
Resolution/Water Fees-Discussion  
Development fees, Connection fees, Water rights, Water rates

8:00 P.M. -

REGULAR COUNCIL MEETING AGENDA ITEMS:

8:00 Invocation & Pledge of Allegiance  
8:05 Approval of Agenda Time Frame  
8:10 Proposed Amendment/Section 10-3-3.18 of Dev. Code  
Debra Fawson (Home Occupation)  
8:20 Approval-Resolution/Water Fees  
Set Date/Time for Public Hearing  
8:40 Proposed Amendment/Animal Control Ordinance  
Domestic animals..Discussion/Set public Hearing  
8:50 New Well Progress/Available Funds  
Reserve Funds (Water/Sewer)  
9:05 Stop signs/Speed Control  
9:10 CUP/Joint Meeting with Payson (9-7-94)  
9:15 Water Members Approval-Tony Searle  
9:05 Expenditures:  
General:  
Sewer Dept./Waste Water Repair (Roads)  
Approval/Repair on Fire Truck-Kent Haskell  
9:20 Cash Bonds-Rod Despain  
1. Goosenest Water line  
2. Loafer Canyon Road  
A. Cash Bonds  
B. Improvements  
C. Ownership  
9:50 Oak Bluff Estates, Plat B/Final Approval  
10:15 Approval of Minutes of Previous Meetings  
10:20 Adjournment

The times listed for each item and the agenda may be accelerated if time permits. All interested persons are invited to attend.


Dated this 19th day of August, 1994.

  
Town Clerk

Council Agenda  
8-23-94

CERTIFICATION

I, the undersigned, duly appointed and acting Town Clerk for the municipality of Elk Ridge hereby certifies that a copy of the foregoing Notice and Agenda was hand carried to the Payson Chronicle, 12 S. Main, Payson, Utah and mailed to each member of the governing body on August 19, 1994.

  
Town Clerk

ELK RIDGE TOWN COUNCIL MEETING  
WORK SESSION

AUGUST 23, 1994

TIME & PLACE  
OF MEETING

The regular meeting of the Elk Ridge Town Council was held on Tuesday, August 23, 1994, with the Council Work Session at 7:00 P.M., followed by the regular Council Meeting at 8:00 P.M., at the Elk Ridge Town Hall, 80 East Park Drive, Elk Ridge, Utah.

Notice of time, place and Agenda of this meeting was provided to the Payson Chronicle and to each member of the governing body by mailing a copy to each on August 19, 1994.

ROLL CALL

Mayor Jacobson, Councilmembers: Scot Session, Jim Nicolet, Tony Searle, Lea Ann Adams; Don Mecham, Joe Marrott, Hal Shuler, Dan Weishar, Joe Langal, Dale and JoAnn Bigler, Janice H. Davis, Town Clerk.

ROAD REPAIR  
LEA ANN ADAMS

Lea Ann Adams - \$21,000 is budgeted for asphalt repair for 1994/95. there are funds available in the Sewer Dept., Councilmember Adams reviewed the history of repairs on Park Dr. and Escalante Dr. Issues for consideration:

1. Overlay/Petromat
  - A. Strengthens the overlay
  - B. 1 1/2" overlay - estimated 3-5 years  
1 1/2" with Petromat - estimated 8-10 years
2. Drainage - involving road shoulders
  - A. Extra funds in Sewer Dept. Usable on roads due to erosion of roads caused by lack of drainage. (This would increase funds for road repair)

Options:

1. 1 1/2" Overlay/Park Dr  
Estimate - \$38,688 (3-5 years)
  - A. Park Dr./With Petromat  
Bids: Valley Asphalt - \$14,880 additional  
Geneva Rock - \$10,000
  - B. Best Bids: \$49,028 ( Overlay & Patromat)
2. Recycle the road (2 1/2" asphalt)/ S. Escalante  
Estimate - \$11,826 (8-10 years)
  - A. Overlay Park Dr. - no Petromat

MINUTES OF ELK RIDGE TOWN COUNCIL WORK SESSION - 8-23-94 CONT.

3. 1 1/2" overlay with Petromat/Park Dr., So Escalante -  
Estimate - \$60,934. (\$63, 000 with shoulders)

Councilmember Adams Proposed: Using additional funds in the Sewer Dept. (as a transfer, contribution or loan) for road repair.

Comments Councilmember Tony Searle: Much of the damage to the roads is due to lack of drainage.

Hal Shuler questions whether funds can be legally transferred between departments. He cautioned using development fees in sewer development.

The Mayor will consult:

1. Hall Engineering
2. Dave Tuckett

Councilmember Jim Nicolet commented that part of the damage to the roads is due to cuts in the asphalt because of sewer lateral excavation.

Councilmember Searle - Adding all the excess funds in the Sewer Dept. (as of fiscal year end 6/94), there is approximately \$72,000 which is available for use. (as verified by the CPA). Some of these funds may be restricted.

Proposes: (Suggested including this in the motion later in the Council Meeting)

1. Use approximately 1/2 to repair roads which have been damaged by drainage problems and sewer excavation
2. Use the other 1/2 in a transfer to the Water fund, after public hearing, as a contribution. This would be done to meet the financial obligations of installing the New Well.

Councilmember Sessions asked if the companies bidding for the job of repairing the roads can bid by tonnage rather than by square footage.

Councilmember Adams assured the Council that the bids are as low as possible.

Mayor Jacobson summarized:

1. Check on the legalities of transfers from the Sewer fund

MINUTES OF ELK RIDGE TOWN COUNCIL WORK SESSION - 8-23-94 CONT.

2. Water Rights  
Proposes: \$1,200 to \$1,500 + \$200 transfer fee  
          \$1,500 = current market value  
          \$ 200 = Administrative costs for  
                  transfers to take place
3. Connection Fees:  
Proposes: \$1,000 to \$1,500
4. Development fees:  
Proposes: \$1,000 to \$2,000

Mayor Jacobson - Proposes additional amendment to Section #10-7-8.10 of the Development Code, which would require: 1) Any granting of rights to connect to the water system, as a result of water rights being transferred to the Town from a developer, to take place after the transfer has taken place at the State. 2) Only transfer the number of water rights equivalent to the number of lots on the proposed Plat.

Public Hearing is set for the 2nd Tuesday in September (9-13-94).

ELK RIDGE TOWN COUNCIL MEETING

AUGUST 23, 1994

TIME & PLACE OF MEETING	The regular meeting of the Elk Ridge Town Council was held on Tuesday, August 23, 1994, with the Council Work Session at 7:00 PM, followed by the regular Council Meeting at 8:00 P.M., at the Elk Ridge Town Hall, 80 East Park Drive, Elk Ridge, Utah.
 Notice of time, place and Agenda of this meeting was provided to the Payson Chronicle and to each member of the governing body by mailing a copy to each on August 19, 1994.	
ROLL CALL	Mayor Jacobson, Councilmembers: Lea Ann Adams, Tony Searle, Scot Sessions, Jim Nicolet; Mark Johnson, Hal Shuler, Parker Fawson, Debra Fawson, Dan Weishar, Joe Marrott, Don Mecham, Dale Bigler, Jo Ann Bigler, Joe Lengal, Janice H. Davis, Town Clerk.
INVOCATION & PLEDGE OF ALLEGIANCE	Prayer was offered by Scot Sessions with the pledge of allegiance following.
APPROVAL OF AGENDA TIME FRAME	MOTION WAS MADE BY SCOT SESSIONS SECONDED BY LEA ANN ADAMS, TO APPROVE THE AGENDA TIME FRAME AS PRESENTLY CONSTITUTED WITH THE FOLLOWING CHANGES: MOVE 9:05 ITEM TO 9:20, MOVE 9:20 ITEM TO 9:30. VOTE: YES-ALL(5), NO-NONE(0).
PROPOSED AMENDMENT/ SECTION 10-3-3.18 DEV. CODE DEBRA FAWSON HOME OCCUPATION	Debra Fawson, having obtained a business license from Elk Ridge Town, seeks an amendment to the Development Code, Section #10-3-3.18B which would allow other people to work in the dwelling besides members of the residing family. She feels that individuals should be allowed to share a common facility to reduce traffic and congestion. The proposal is based on another business in Town which has had many employees at one time. Mrs. Fawson does not feel that the community has suffered because of this. (The question arose as to whether this other business is "grandfathered". This needs to be researched).
	Councilmember Nicolet, suggested seeking advise as to the regulations establishing a zone as "residential".



MINUTES OF ELK RIDGE TOWN COUNCIL MEETING - 8-23-94 CONT.

Mayor Jacobson commented, that a single case cannot be legislated. A change would apply to all of the citizens of Elk Ridge.

Councilmember Adams advised that, as an independent contractor, a person can practice a skill in a place other than his/her own home.

Councilmember Searle commented that the intent of the ordinance was to maintain a residential status. A line must be drawn, the issue is to determine where the line is. Not opposed to 2 or 3 employees - 10 is too many. The matter was referred to the attorney for an opinion and the Planning Commission for recommendation.

MOTION WAS MADE BY JIM NICOLET SECONDED BY TONY SEARLE, TO SET A PUBLIC HEARING TO AMEND SECTION 10-3-3.18 ENTITLED - HOME OCCUPATIONS. INPUT WILL BE CONSIDERED FROM THE TOWN ATTORNEY AND THE PLANNING COMMISSION AND THE FIRE CHIEF. IT WILL BE HELD 9-27-94 AT 8:10 P.M. VOTE: YES-ALL(5), NO-NONE(0).

On 9-13-94 there will be discussion as to the wording for the publication.

APPROVAL-  
RESOLUTION/  
WATER FEES

1. WATER RIGHTS  
MOTION WAS MADE BY MAYOR JACOBSON SECONDED BY SCOT SESSIONS TO PUBLISH THE PROPOSED CHANGE FROM \$1,200 (CURRENT) TO \$1,500 - PLUS A \$200 TRANSFER FEE.  
VOTE: YES-ALL(5), NO-NONE(0).
2. CONNECTION FEES  
MOTION WAS MADE BY MAYOR JACOBSON SECONDED BY JIM NICOLET, TO PUBLISH THE PROPOSED INCREASE OF CONNECTION FEES FROM \$1,000 TO \$1,500. VOTE: YES-ALL(5), NO-NONE(0).
3. DEVELOPMENT FEES  
MOTION WAS MADE BY TONY SEARLE SECONDED BY MAYOR JACOBSON, TO PUBLISH THE PROPOSED INCREASE OF FACILITY, CONSTRUCTION AND IMPROVEMENT FEES FROM \$1,000 TO \$2,000. VOTE: YES-ALL(5), NO-NONE(0).

Councilmember Searle will review the fee information from other Towns.

MINUTES OF ELK RIDGE TOWN COUNCIL MEETING - 8-23-94 CONT.

Discussion

MOTION WAS MADE BY TONY SEARLE SECONDED BY MAYOR JACOBSON, TO APPROVE TWO (2) STOP SIGNS FACING EAST AND NORTH ON ELK MEADOWS DR. AND CLUB HOUSE WAY. VOTE: YES-ALL(5), NO-NONE(0).

MOTION WAS MADE BY JIM NICOLET SECONDED BY LEA ANN ADAMS, TO APPROVE THREE (3) STOP SIGNS ON THE INTERSECTION OF PARK DR./CORTEZ. VOTE: YES-ALL(5), NO-NONE(0).

CUP/  
JOINT MEETING  
WITH PAYSON  
(9-7-94)

The Mayor reports that Elk Ridge is invited to attend Payson City's Council Meeting on 9-7-94 to discuss future opportunities to obtain water from CUP and the costs involved. (a pressurized irrigation system, at no cost until actually utilized).

WATER MEMBERS  
APPROVAL-  
TONY SEARLE

Tony Searle reported that he contacted the board members to see if they wish their individual status as board members to be renewed:

1. Ron Thomas and Lee Ryan would like to retire and allow others the opportunity to serve.
  2. Lynn Wilson and Cory Ruward will remain.
- Councilmember Searle proposed:  
Lue Giddings and Karen Taylor

MOTION WAS MADE BY TONY SEARLE SECONDED BY SCOT SESSIONS, TO APPOINT LUE GIDDINGS AND KAREN TAYLOR AS WATER BOARD MEMBERS. VOTE: YES-ALL(5), NO-NONE(0).

Kent Haskell (Water Master) is also included as part of the Water Board, with Kent Crawford used as a consultant.

EXPENDITURES

GENERAL

1.MOTION WAS MADE BY TONY SEARLE SECONDED BY JIM NICOLET, TO APPROVE \$35,000 FROM THE SEWER FUND TO BE USED TO ASSIST IN ROAD REPAIR WHERE WASTE WATER EROSION HAS OCCURRED, CONTINGENT UPON:

1. LEGAL COUNCIL, ARE THE SEWER FUNDS AVAILABLE FOR USE ON ROADS?

MINUTES OF ELK RIDGE TOWN COUNCIL MEETING - 8-23-94 CONT.

2. LEGAL COUNCIL, CAN THE OTHER HALF OF THE AVAILABLE FUNDS IN THE SEWER DEPARTMENT BE USED AS A CONTRIBUTION TO THE WATER DEPARTMENT? IS A PUBLIC HEARING NECESSARY? VOTE: YES-ALL(5), NO-NONE(0).

2. MOTION WAS MADE BY MAYOR JACOBSON SECONDED BY SCOT SESSIONS, TO APPROVE \$350 FOR REPAIR OF THE BRAKES ON THE PUMPER TRUCK. VOTE: YES-ALL(5), NO-NONE(0).

CASH BONDS  
1. GOOSENEST  
WATER LINE

4 property owners have paid cash in lieu of installing a water line in front of their property, as required for development. Question - Should the cash be returned? (One of the property owners has requested the cash back).

Rod Despain; Theory was:

1. Goosenest Water System was recognized as having inadequate flows for fire protection.
  - A. Town water line could be extended by:
    1. All new subdivisions would be required to install adequate water lines
    - A. If building permits were sought, with no subdivision required, a bond (cash payment) would be required of the property owners for the cost of the water line across their property.

The Town has decided not to allow any further building on a system without the flow for fire protection; until such time that the system is upgraded, this, in essence, creates a "moratorium" on building in the Goosenest area. Why keep the funds collected when there is no intent to improve the system in the near future?

Recommendation: To return the funds to the property owners.

MOTION WAS MADE BY MAYOR JACOBSON SECONDED BY JIM NICOLET, TO REFUND TO THE PROPERTY OWNERS ON GOOSENEST, THEIR ORIGINAL PAYMENT PLUS 3% INTEREST. A LETTER OF EXPLANATION IS TO ACCOMPANY EACH REFUND. VOTE: YES-ALL(5), NO-NONE(0).

MINUTES OF ELK RIDGE TOWN COUNCIL MEETING - 8-23-94 CONT.

2. LOAFER  
CANYON ROAD

- A. The situation with these cash bonds (collected as Road Assessment fees) is different:
  - 1. Road Improvements have been determined
  - 2. The money is not a "bond", the property owners "cashed out" of their obligation to install improvements.
    - A. A bond is held to secure the performance of someone else.
    - B. This money is being collected to build up enough to install as much of the road as possible at one time.
- B. Ownership
  - 1. Portions have been dedicated to the Town with subdivision
  - 2. A portion has been deeded to the Town from Hal Shuler
  - 3. Don Mecham owns the southern portion of the road

This matter is to be referred to the Planning Commission with a current County map of Loafer Canyon Road

- 1. Ownership of road
- 2. A recommendation is needed from the Planning Commission as to the continued acceptance of cash vs. the actual installation of the improvements.

Surveying of the west side of the road along the Peterson property has been done by Art Jueschke. Easement descriptions could be obtained from him.

OAK BLUFF  
ESTATES,  
PLAT B/  
FINAL  
APPROVAL

Don Mecham was present to seek approval of Plat B. As a result of his directive from the council to locate sources of water if further development is to occur...Mr. Mecham proposes the installation of a booster pump/station on Well #4 to increase the capacity. In conjunction with his development, he would bond \$40,000 (the estimated cost of a booster station) for the installation of a booster station in exchange for approval of Phase II of Oak Bluffs Subdivision. (The bond would be subject to reimbursement to Mecham Development as development occurs). Mr. Mecham reminded the council of the additional water provided by upgrading Well #4 associated with the development of Plat A of Oak Bluff Estates. Mr. Mecham feels he has done as the Town requested and offers a solution to the present water problem.

MINUTES OF ELK RIDGE TOWN COUNCIL MEETING - 8-23-94 CONT.

Councilmember Tony Searle Proposed:

1. Approve Plat B
2. Accept \$40,000 - install booster now
3. Over time, reimburse the bond

Does not want to approve the Plat without additional water.

Don Mecham:

He would contract with the Town to assist in installing Booster Pump - for \$40,000. If less, the Town would only be responsible for the cost.

Councilmember Scot Sessions: Agrees with the booster pump now.

Rod Despain:

The terms of the agreement must be very clear. Particularly as far as reimbursement.

Mayor Jacobson Summarized:

1. Main focus - New Well on line
2. Booster pump installed this fall and on line.

MOTION WAS MADE BY TONY SEARLE SECONDED BY JIM NICOLET, TO GRANT FINAL APPROVAL TO OAK BLUFF ESTATE, PLAT B, CONTINGENT UPON THE FOLLOWING:

1. NO BUILDING PERMITS WILL BE ISSUED UNTIL A BOOSTER PUMP IS ON LINE FOR WELL #4.
2. A LEGAL DOCUMENT DRAFTED BY THE TOWN ATTORNEY, AND SIGNED BY BOTH THE TOWN AND MR. MECHAM, AS AN AGREEMENT FOR THE \$40,000 BOND, WITH A POSSIBLE 20% INCREASE OF THE BOND AMOUNT.
3. THE BOOSTER PUMP STATION BE ENGINEERED AND INSTALLED IMMEDIATELY.
4. THE FACILITY, CONSTRUCTION AND IMPROVEMENT FEE INCREASE FROM \$1,000/LOT TO \$2,000/LOT BE RETROACTIVE TO INCLUDE OAK BLUFF, PLAT B.
5. THE RECORDING OF THE PLAT WILL OCCUR AFTER ALL FEES ARE IN PLACE:
  - A. DEVELOPMENT FEES
  - B. ESCROW ACCOUNT

VOTE: YES-ALL(5), NO-NONE(0).

Advise Dave Tuckett to include off-site reimbursement details in the agreement.

MINUTES OF ELK RIDGE TOWN COUNCIL MEETING - 8-23-94 CONT.

APPROVAL OF MINUTES OF PREVIOUS COUNCIL MEETING      MOTION WAS MADE BY MAYOR JACOBSON SECONDED BY TONY SEARLE, TO APPROVE THE MINUTES FROM 8-2-94 AND 8-9-94, AS PRESENTLY CONSTITUTED. VOTE: YES-ALL(5), NO-NONE(0).

ADJOURNMENT      MOTION WAS MADE BY TONY SEARLE SECONDED BY SCOT SESSIONS, TO ADJOURN. VOTE: YES-ALL(5), NO-NONE(0).

  
Town Clerk